

BARRY J. PORTMAN
Federal Public Defender
JOSH COHEN
Assistant Federal Public Defender
19th Floor Federal Building
450 Golden Gate Avenue
San Francisco, CA 94102
(415) 436-7700
Counsel for Defendant PATTON

Case 3:06-cr-00445-SI Document 45 Filed 10/12/2006 Page 1 of 3

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR-06-0445 SI
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING HEARING ON
v.)	DEFENDANT'S MOTIONS
)	
COLBY SHAWN PATTON,)	
)	
Defendant.)	

The parties in this matter are presently scheduled to appear before this Court on October 20, 2006 for a hearing on defendant's motions to suppress and compel disclosure of certain materials in discovery. The parties previously requested a continuance in this matter and an order that the Probation Department prepare a pre-plea criminal history report on or before October 10, 2006. While a report was indeed prepared and disclosed by the deadline, it appears that the report may omit certain information that bears directly on whether a resolution to this matter can be reached in advance of a hearing on defendant's motions. The parties agree that the Probation Department should have an opportunity to consider this information.


Accordingly, the parties agree and stipulate that the hearing presently scheduled for October 20, 2006 shall be continued to November 3, 2006. As Mr. Patton's motions are now

1 pending before the Court, time will continue to be excluded under the Speedy Trial Act. *See* 18
2 U.S.C. § 3161(h)(1)(F). Mr. Patton is presently free on bond and does not object to the requested
3 continuance and associated exclusion of time.


4 The parties further agree and stipulate that the briefing schedule on defendant's motions
5 should be modified as follows: The government shall file any opposition to defendant's motions
6 on or before October 27, 2006. Mr. Patton shall file any reply on or before November 1, 2006.

7 IT IS SO STIPULATED.

8 Dated: 10/12/06


BARRY J. PORTMAN
Federal Public Defender
JOSH COHEN
Assistant Federal Public Defender

11 Dated: 10/12/06



KEVIN V. RYAN
United States Attorney
TRACIE BROWN
Assistant United States Attorney

15 **ORDER**

16 Accordingly, and for good cause shown, it is hereby ordered that the motions hearing
17 presently scheduled for October 20, 2006 shall be continued to November 3, 2006 at 11:00 AM.
18 It is further ordered that the parties shall adhere to the revised briefing schedule set forth above.

19 IT IS SO ORDERED.

20 Dated:


SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that the following true copy of the **Stipulation and [Proposed] Order Continuing Hearing on Defendant's Motion**, concerning the case of United States v. Colby Patton, CR 06-0445 SI was filed dated October 12, 2006 and hand delivered to:

United States Attorney's Office
AUSA Tracie Brown
450 Golden Gate Avenue
San Francisco, CA

October 12, 2006


MICHAEL TARKINGTON